

## REMARKS

In view of the above amendments and the following remarks, favorable reconsideration and allowance of the above application are respectfully sought.

The claims now presented for consideration are claims 1, 4-6, and 9-12, with claims 1 and 6 being independent. Claims 2, 3, 7, and 8 have been cancelled without prejudice or disclaimer of the subject matter recited therein. Claims 1, 4-6, 9, and 10 have been amended herein to improve their form and to more clearly recite the present invention. Claims 11 and 12 have been newly added to provide Applicant with an additional scope of coverage. Support for these amendments and newly added claims can be found in the application, as originally filed. Therefore, no new matter has been added.

In the Office Action, claims 1, 5, 6, and 10 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,381,245 to Johnston et al. Claims 2-4 and 7-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnston et al. in view of U.S. Patent No. 6,137,106 to Kao. Applicant respectfully traverses these rejections.

In aspects of Applicant's invention, independent claims 1 and 6 recite an image reading apparatus and an image forming apparatus, respectively, including a transparent plate for supporting an original thereon, a support member for supporting an end portion of a surface of the transparent plate opposite to the original, and a movable image reading unit for reading image information of the original. The image reading unit is provided with an image sensor for reading image information of the original and a regulating member for regulating a distance between the image sensor and the transparent plate. The regulating member slides on the surface of the transparent plate opposite to the

original when the image reading unit moves. A moving direction end of the support member is provided with a cutout so the sliding of the regulating member with respect to the transparent plate is not prevented when the image reading unit moves to the end portion of the transparent plate.

Many of these features are not taught or suggested by Johnston et al. and Kao whether those references are taken alone, or in combination.

Johnston et al. is directed to an X-ray film scanning and digitizing apparatus including an adapter assembly 24 to adapt a conventional flat bed scanner 1 for scanning X-rays. The apparatus includes a housing 11 that supports a transparent top 2, upon which a medium to be scanned is placed. According to the Office Action, Figure 2 of Johnston et al. illustrates that a cavity is formed by the housing 11 that allows a carriage 20 to move beyond the transparent top 2. However, among other features, the independent claims each require that a support member for supporting an end portion of a surface of a transparent plate opposite to the original has a cutout in a moving direction thereof so the sliding of a regulating member with respect to the transparent plate is not prevented when the image reading unit moves to the end portion of the transparent plate. Accordingly, Johnston et al. does not teach or suggest the claimed subject matter.

Reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b) is thus requested.

Kao fails to remedy the deficiencies noted above with respect to Johnston et al. Kao relates to a contact image sensor module having spring mountings 23a, 23b for contacting the bottom surface of a sheet table 27. Kao does not teach or suggest, however, at least that a support member for supporting an end portion of a surface of a transparent

plate opposite to the original has a cutout in a moving direction thereof so the sliding of a regulating member with respect to the transparent plate is not prevented when the image reading unit moves to the end portion of the transparent plate.

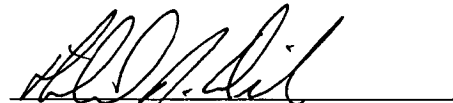
Applicant thus requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 103.

Claims 4, 5, and 9-12 depend either directly or indirectly from one of the independent claims and are therefore patentable for reasons noted with respect to those independent base claims. In addition, each recite further distinguishing features of the invention. Favorable and independent consideration of each of the dependent claims are respectfully sought.

Applicant submits that this application is in condition for allowance. Favorable reconsideration and early passage to issue are respectfully sought.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



Attorney for Applicant  
Michael J. Didas  
Registration No. 55,112

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200  
MJD/ksp  
DC\_MAIN 167315 v1

X